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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
LASTRA, DANIEL	

ART UNIT	PAPER NUMBER
3688	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/680,609	SHIBASAKI, HIROAKI	
	Examiner	Art Unit	
	DANIEL LASTRA	3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 December 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,6-11,13-24,27,29 and 31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,6-11,13-24,27,29 and 31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-3, 6-11, 13-24, 27, 29 and 31 have been examined. Application 10/680,609 (INFORMATION PROVIDING SYSTEM AND METHOD AND INFORMATION RECORDED MEDIUM SO ON) has a filing date 10/06/2003 and foreign priority 10/09/2002.

Response to Amendment

2. In response to Non Final rejection filed 06/20/2008, the Applicant filed an Amendment on 12/22/2008, which amended claims 1, 9, 11, 13, 15, 17-20, 27, 29, 31 and cancel claims 4, 5, 12, 25, 26, 28 and 30.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 27 recite the limitation "the related information" in line 15 of claim 1 and line 11 of claim 27. Claim 9 recites "the same screen". Claim 11 recites "the information reproducing/recording apparatus" in line 15. There is insufficient antecedent basis for these limitations in the claims.

Claim Objections

4. Claim 29 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 1 is objected because it recites "which is receives". Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6-11, 13-24, 27, 29 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Abecassis (US 2001/0041053).

Claims 1, 27, 29 and 31 Abecassis teaches:

An information providing system, comprising:

an information providing apparatus adapted to provide information via a network, and an information reproducing apparatus which has access to the information providing apparatus via the network and has an information reproducing device adapted to reproduce program information recorded on a recording medium, wherein the information reproducing apparatus comprises:

a memory (see paragraph 320);

an identification information acquiring device which acquires identification information corresponding to the program information recorded on the recording medium, an identification information transmitting device which transmits the acquired identification

information to the information providing apparatus via the network when the program information recorded on the recording medium is reproduced *but does not transmit the identification information if the related information corresponding to identification information of the program information is already stored in the memory* (see paragraph 414, 452),

a related information receiving device which receives related information composed of at least any one of accompanied information related the program information and advertisement information related the program information or the accompanied information via the network, the related information being transmitted from the information providing apparatus according to the identification information (see paragraph 242),

a related information storing device which stores in the memory both the related information received from the information providing apparatus and the identification information (see paragraph 383) and

a user presenting device which presents the related information to a user when the program information is reproduced (see paragraph 242), and

the information providing apparatus comprises:

an identification information receiving device which receives the identification information transmitted from the information reproducing apparatus via the network, a related information acquiring device which acquires the related information composed of at least any one of the accompanied information and the advertisement information based on the identification information (see paragraph 245), and

a related information transmitting device which transmits the related information to the information reproducing apparatus via the network (see paragraph 251).

if the identification information was received by the identification information receiving device; and

wherein the information reproducing apparatus further comprises a presentation permission request information transmitting device which transmits presentation permission request information to the information providing apparatus via the network (see paragraph 243); and

the information providing apparatus further comprises: a presentation permission request information receiving device which is receives the presentation permission request information transmitted from the information reproducing apparatus via the network, a presentation permission deciding device which is decides whether or not presentation of the related information should be permitted based on the presentation permission request information, and a presentation permission information transmitting device which transmits the presentation permission information to the information reproducing apparatus via the network if it is decided by the presentation permission deciding device that the presentation should be permitted (see paragraph 243),

wherein the information reproducing apparatus is adapted such that if the presentation permission information is received from the information providing apparatus then the user presenting device reads from the memory the related

information corresponding to the received presentation permission information and presents the related information to the user (see paragraph 243).

Claim 2, Abecassis teaches:

wherein the information reproducing apparatus comprises an information recording device which reproduces the program information recorded on the recording medium and records the program information on another recording medium (see paragraph 272).

Claim 3, Abecassis teaches:

wherein the recording medium is a detachable recording medium occupied by the user (see paragraph 272).

Claim 6, Abecassis teaches:

wherein the information reproducing apparatus further comprises a selecting instruction receiving device which receives an instruction to select desired related information to be presented from the user (see paragraph 257), and

the user presenting device presents the selected related information to the user when the program information is reproduced (see paragraph 281).

Claim 7, Abecassis teaches:

wherein the information providing apparatus further comprises a related information selecting device which selects related information to be acquired or transmitted according to the identification information (see paragraph 303), and

the related information transmitting device transmits the related information selected by the related information selecting device to the information reproducing apparatus (see paragraph 303).

Claim 8, Abecassis teaches:

wherein the information providing apparatus further comprises a user information managing device which manages user information for each user of the information reproducing apparatus, the user information managing device updates the user information based on the identification information every time the identification information is transmitted from the information reproducing apparatus (see paragraph 245), and

the related information acquiring device acquires the advertisement information matching with the user information (see paragraph 5).

Claim 9, Abecassis teaches:

wherein the user presenting device displays the accompanied information and the advertisement information on the same screen thereby presenting the accompanied information and the advertisement information to the user (see paragraph 35).

Claim I0, Abecassis teaches:

wherein the accompanied information includes at least any one piece of data about a jacket photograph stored in a package of the recording medium, a photograph

printed on a booklet lyrics, a liner note, music information, artist information, and label information (see paragraph 88).

Claim 11, Abecassis teaches:

wherein the information providing apparatus is constituted of an information providing service server and a contents server, the information providing service server comprises the identification information receiving device and transmits the identification information received by the identification information receiving device to the contents server via a communication means, the contents server comprises the related information acquiring device, the related information transmitting device, and a related information database adapted to store the related information and to receive the identification information transmitted from the information providing service server, the related information acquiring device acquires the related information from the related information database based on the identification information, and the related information transmitting device transmits the related information to the information reproducing/recording apparatus or the information reproducing/recording apparatus via the network (see paragraphs 242-245).

Claim 13, Abecassis teaches:

wherein the memory stores presentation permission confirming period information or presentation permission confirming due date information about the related information (see paragraph 117)

the information reproducing apparatus further comprises a transmission deciding device which decides whether or not the

presentation permission request information should be transmitted to the information providing apparatus based on the presentation permission confirming period information or presentation permission confirming due date information (see paragraph 117), and

the presentation permission request information transmitting device transmits the presentation permission request information to the information providing apparatus via the network if it is decided that the presentation permission request information should be transmitted to the information providing apparatus (see paragraph 243).

Claim 14, Abecassis teaches:

wherein the presentation permission confirming period information or presentation permission confirming due date information is attached to the related information and is transmitted from the information providing apparatus (see paragraph 117).

Claim 15, Abecassis teaches:

Wherein the presentation permission request information includes the identification information, the information providing apparatus further comprises a related information update deciding device which decides whether or not the related information corresponding to the identification information is updated if it is decided that presentation should be permitted, the related information acquiring device acquires updated related information if the related information is updated, the presentation permission information transmitting device transmits the updated related information together with the presentation permission information to the information reproducing device via the network, the information providing apparatus

further comprises a presentation permission information receiving device receives the updated related information together with the presentation permission information transmitted from the information providing apparatus via the network (see paragraph 243), and

the user presenting device presents the updated related information instead of the related information stored in the memory to the user when the program information is reproduced (see paragraph 243).

Claim 16, Abecassis teaches:

wherein the information reproducing apparatus further comprises a related information updating device which updates related information stored in the memory to the updated related information (see paragraph 264).

Claim 17, Abecassis teaches:

Wherein the presentation permission deciding device decides again whether or not presentation of the related information should be permitted after it is decided that presentation of the related information should be permitted, the presentation permission information transmitting device transmits cancellation information *to the information reproducing apparatus via the network if it is decided that the presentation should be permitted (see paragraph 243)*, and

In the information reproducing apparatus, if the cancellation information is received from the information providing apparatus, the user presenting device stops presentation of the related information indicated by the cancellation information (see paragraph 243).

Claim 18, Abecassis teaches:

wherein the information providing apparatus further comprises an erasure information transmitting device which transmits erasure information indicating an instruction to erase the related information to the information reproducing apparatus via the network if the presentation permission deciding device decides that presentation should not be permitted (see paragraph 243), and

the information reproducing apparatus comprises:

an erasure information receiving device which receives the erasure information via the network when the erasure information is transmitted from the information providing apparatus (see paragraph 243), and

a related information erasing device which erases related information to be erased from the memory, the related information being indicated by the erasure information (see paragraph 243).

Claim 19, Abecassis teaches:

wherein the presentation permission deciding device decides that presentation of the accompanied information should be permitted on condition that advertisement information of the related information is presented, when the presentation permission request information transmitted from the information reproducing apparatus requests permission to present only the accompanied information of the related information, the presentation permission information transmitting device includes the condition for presenting the advertisement information into the presentation permission information and transmits the presentation permission

information to the information reproducing apparatus via the network, and the user presenting device presents advertisement information corresponding to the presenting condition to the user together with the accompanied information corresponding to permission for presentation indicated by the presentation permission information when the program information is reproduced (see paragraph 243).

Claim 20, Abecassis teaches:

wherein the information providing apparatus further comprises a related information update deciding device which decides whether or not related information corresponding to the identification information is updated when the identification information is received, the related information acquiring device acquires the updated related information if the related information is updated the related information transmitting device transmits the updated related information to the information reproducing apparatus via the network (see paragraph 242),

the related information receiving device receives the updated related information when the updated related information corresponding to the identification information is transmitted from the information providing apparatus, and the user presenting device presents the updated related information to the user when the program information is reproduced (see paragraph 245).

Claim 21, Abecassis teaches:

wherein if the updated related information is not received in a predetermined time, the user presenting device reads the related information corresponding to the

identification information from the memory and presents the related information to the user when the program information is reproduced (see paragraph 309).

Claim 22, Abecassis teaches:

wherein the memory stores presentation permission confirming period information or presentation permission confirming due date information about the related information, the information reproducing apparatus further comprises a transmission deciding device which decides whether or not the identification information should be transmitted to the information providing apparatus based on the presentation permission confirming period information or presentation permission confirming due date information, and the identification information transmitting device transmits the identification information to the information providing apparatus via the network if it is decided that the identification information should be transmitted to the information providing apparatus (see paragraph 243).

Claim 23, Abecassis teaches:

wherein the presentation permission confirming period information or presentation permission confirming due date information is attached to the related information and is transmitted from the information providing apparatus (see paragraph 309).

Claim 24, Abecassis teaches:

wherein the information reproducing apparatus further comprises a related information updating device which updates the related information stored in the memory to the updated related information (see paragraph 261).

Response to Arguments

6. Applicant's arguments filed 12/22/2008 have been fully considered but they are not persuasive. The Applicant argues that Abecassis does not teach not sending identification information in order to retrieve related information if the related information is already in the memory. The Examiner answers that Abecassis teaches downloading advertisements (i.e. related information) to the memory of a RAViT prior to viewing said advertisements (see paragraph 413) and also teaches that a buyer's purchase decision may be made entirely offline by means of video (i.e. related information) resources available from a Video CD locally accessible to RAVit or information previously downloaded to RAVit (see paragraph 438). Therefore, contrary to Applicant's argument, Abecassis teaches Applicant's claimed invention as Abecassis teaches offline mode embodiments where advertisements do not need to be obtained from a remote server as said advertisements or related information is obtained from advertisements previously downloaded to a RAVit.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James W. Myhre can be reached on (571)272-6722. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DANIEL LASTRA/
Examiner, Art Unit 3688
March 11, 2009